

(978) 287-3241
Bob Deane

TOWN OF CONCORD

BOARD OF APPEALS

TOWN HOUSE

Please take notice that in the matter of the APPLICATION OF EMERSON HOSPITAL for a Renewal of a Special Permit, under Sections 5.4.1.3 and 11.6, to allow the use of a mobile PET (Positron Emission Tomography) scan unit at 54 Baker Ave. Bxt., Concord, Massachusetts, the Board of Appeals has this day rendered a decision GRANTING said application, and the record therein has this day been filed with the Town Clerk, Town House, Concord, Massachusetts. Appeals, if any, shall be made pursuant to Section 17 of the Zoning Act, Chapter 40A of the Massachusetts General Laws, and shall be filed within 20 days after the date of this notice.


CLERK, BOARD OF APPEALS

October 27, 2011
DATE

TOWN OF CONCORD

BOARD OF APPEALS

The Application of EMERSON HOSPITAL for a Renewal of a Special Permit, under Sections 5.4.1.3 and 11.6, to allow the use of a mobile PET (Positron Emission Tomography) scan unit at 54 Baker Ave. Ext., Concord, Massachusetts.

RECORD OF PROCEEDINGS

The Applicant, EMERSON HOSPITAL, filed with the Board of Appeals on August 9, 2011 an application.

The Board determined that the following constituted the parties interested in the application and the owners of all property affected thereby, as they appear upon the most recent tax list, viz:

196 Baker Avenue LLC
Kristin L Mix
Nicholas P Kondon TR
S Y Wang 205 LLC
Herbert T Bader
Jeffrey Freedman
Mingchun Chien
Stephen Anthony Smith
290 Baker Avenue LLC
Heritage Realty Leasing Inc.
Richard D Foley
Vidya Reddy TR
Concord Realty LLC
Thomas H & Nancy A Conway
Neil I Eckstein, Norman Goldberg &
Joseph A Jarosz TR

Normandy Concord Acquisition LLC
Barbara J Bjornson TR
Robert M Donahue
Wang Realty LLC
Concord Woods Dental Group Realty LLC
H Ivan Jr. & Elizabeth L Orup
David H Loeb TR
Alan B Marks & Martha Gustavson TR
Sahani Realty LLC
John W & Sally E Blute TR
Helen H Hays
CWM Realty Trust
Commonwealth Of Massachusetts
Concord Elks Club Inc.

The Board set the 13th day of October, 2011 at 8:00 P.M. as the time, and the First Floor Meeting Room, 141 Keyes Road, Concord, Massachusetts, as the place of the public hearing upon said application.

The following notice was published in *THE CONCORD JOURNAL* in the issues of September 29, 2011 and October 6, 2011, and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners.

BOA/54 BAKER AVE. EXT.
LEGAL NOTICE
Board of Appeals
Public Hearing

A public hearing of the Concord Zoning Board of Appeals will be held on Thursday, October 13, 2011, in the First Floor Meeting Room, 141 Keyes Road, Concord, Massachusetts, at 8:00 P.M. on an application by Emerson Hospital for a Renewal of a Special Permit and/or Variance, as the Board deems most appropriate, under Sections 5.4.1.3, 11.6 and 11.7, to allow the continued use of a mobile PET (Positron Emission Tomography) scan unit at 54 Baker Ave. Ext.

AD#12602481
Concord Journal 9/29, 10/6/11

A Public Hearing on the Application was held at the time and place above specified.

The following persons appeared in support of the Application:

NONE

The following persons appeared in opposition thereto:

NONE

The Planning Board reported its action of the matter as follows:

NONE

The Board thereupon took the following action:

VOTED: To grant to the Applicant, Emerson Hospital, a Renewal of a Special Permit, under Sections 5.4.1.3 and 11.6, to allow the use of a mobile PET (Positron Emission Tomography) scan unit at 54 Baker Ave. Ext., Concord, Massachusetts, finding that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the characteristics of the site and the proposal in relation to that site, as submitted, with the following conditions:

1. The unit shall be transported to and from its location at the 54 Baker Ave. Ext. site during off-peak hours: before 6:00 a.m. and after 7:00 p.m.

2. This Special Permit is granted for a period of two (2) years and expires two (2) years from the date the decision is filed with the Town Clerk, but, upon application to the Board, may be renewed or extended.

The members of the Board voted thereon as follows:

ALICE KAUFMAN	GRANTED
ROBERTO BRACERAS	GRANTED
STEVEN NG	GRANTED

The Board assigns the following as the reasons for the foregoing finding, ruling and decision:

The Applicants sought a renewal of a special permit and/or variance to allow the continued use of the existing PET scan unit at 54 Baker Ave Ext., which is located in the West Concord Industrial Zoning District. A Special Permit/Variance/Site Plan Approval was originally granted on November 1, 2006 and the portion of that decision pertaining to the use of the PET scan trailer was limited to a two (2) year period, as required under Section 5.4.1.3 of the Bylaw.

The Board was advised that the PET scan unit is moved from hospital to hospital and that the unit is not owned by Emerson Hospital. The Board was advised by the Building Commissioner that the unit is generally located on the 54 Baker Ave. Ext. site two (2) days per week.

The Board was advised by the Building Commissioner that, according to Section 5.4.1.3 of the Bylaw, this type of temporary accessory use is allowed by special permit from the Board. He recommended that the Board grant a renewal of the temporary accessory use special permit for a two year period which is the maximum renewal period currently allowed. He advised against the granting of a use variance for the mobile PET scan unit.

The Board was advised by the Building Commissioner that no complaints pertaining to this accessory use have been received by the Building Department and that all of the conditions imposed on the 2006 Decision have been satisfied except for the time limit imposed on the temporary accessory PET scan trailer use.

The Board was advised that the existing parking at the site, as approved in the 2006 Decision, has been more than adequate based on the current use.

At the Hearing, no one spoke in support of or in opposition to the Application.

Pursuant to Section 5.4.1.3 of the Bylaw, the Board granted a special permit for the use of the mobile PET scan unit for a period of two (2) years after determining that adequate parking has been provided on the site. The Board considered the Bylaw, the advice of the Building Commissioner and the lack of public comment, and determined that continued use for another two year period would not result in any detrimental impact to abutters.

Pursuant to Section 11.6 of the Bylaw, The Board considered impacts on economic and community needs; traffic flow and safety concerns, including parking and loading; adequacy of utilities and other public services; impacts on neighborhood character; impacts on the natural environment; and fiscal impacts, including impacts on Town services, the tax base and employment. The Board imposed a condition to limit the transport of the PET scan unit to off-peak hours and determined that all other negative impacts are negligible. The Board found that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the characteristics of the site and the proposal in relation to that site.
TRUE COPY ATTEST



Paula Trebino
Clerk, Zoning Board of Appeals

October 27, 2011

Date

Filed with Town Clerk

54 Baker Ave. Ext. Emerson Hospital 2011

TOWN OF CONCORD

BOARD OF APPEALS

THE BOARD OF APPEALS CERTIFIES as follows:

Name and Address of Owner:

196 Baker Avenue LLC

c/o Concord Property Management Inc.

1 Main Street

Concord, MA 01742

Property Identification:

54 (fka 196) Baker Avenue Ext.

Concord, Massachusetts

D46571-123

This application and all subsequent proceedings comply with the requirements of General Laws, Chapter 40A, Section 1, et seq., for the issuance of variances and permits. Copies of this decision and all plans referenced to herein have been filed with the Concord Planning Board and the Concord Town Clerk.





I, ANITA S. TEKLE, Town Clerk for the Town of Concord, hereby certify that twenty (20) days have elapsed since the filing of this decision and no appeal has been filed, or, if filed, has been dismissed or denied.



NOV 17 2011

An appeal from this decision shall be made pursuant to General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the date of filing such decision or notice thereof in the office of the Town Clerk.

Forms: Sig. pg.